

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

SCOTT KASEBURG, et al.,)	
)	
Plaintiffs,)	CASE NO. C14-0784JCC
)	
v.)	SEATTLE, WASHINGTON
)	August 23, 2016
PORT OF SEATTLE, et al.,)	
)	ADMONISHMENT BY THE COURT
Defendants.)	
)	

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN C. COUGHENOUR
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: THOMAS S. STEWART
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For the Defendant: DAVID J.W. HACKETT
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1 August 23, 2016

9:50 a.m.

2 PROCEEDINGS

3 (Oral argument was heard.)

4 THE COURT: How much litigation have you done in
5 federal court?

6 MR. STEWART: In federal court, Your Honor?

7 THE COURT: Yes.

8 MR. STEWART: Quite a bit. In particularly the
9 Federal Court of Claims recently.

10 THE COURT: How about the United States District
11 Court?

12 MR. STEWART: Not so much recently, Your Honor.

13 THE COURT: Have you ever, in another case in the
14 United States District Court, just blatantly disregarded a
15 court order to produce something? Because your conduct in
16 this case, frankly, takes my breath away.

17 MR. STEWART: Well, I'm sorry, Your Honor. I didn't
18 realize that we failed to produce something in this case.

19 THE COURT: You were ordered to produce title
20 documents a long time ago, and it hasn't been done.

21 MR. STEWART: I believe, Your Honor, as part of the
22 initial disclosures, we produced title documents. We gave
23 all the county assessor reports that showed, based on the
24 Washington --

25 THE COURT: You were ordered to produce chain of

1 title documents, and they were not produced.

2 MR. STEWART: Well, I apologize, Your Honor. I was
3 not aware that we were ordered to produce chain of title
4 documents. And we did so, then, later, as part of this
5 motion for --

6 THE COURT: Yes, documents that you've had since
7 January of 2016. You referred to, in response to the motion
8 for summary judgment in this case, documents that had been
9 ordered to be produced long ago.

10 MR. STEWART: Well, I apologize, Your Honor. I was
11 not aware of that order to produce chain of title documents.

12 And I believe that the centerline presumption in
13 Washington does not require us to produce chain of title
14 documents --

15 THE COURT: No. That's irrelevant once the court
16 orders the production of the documents, which I did, and they
17 weren't produced.

18 You'll get an order from me shortly.

19 We'll be in recess.

20 (COURT IN RECESS.)

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C E R T I F I C A T E

I, Nancy L. Bauer, CCR, RPR, Court Reporter for the United States District Court in the Western District of Washington at Seattle, do hereby certify that I was present in court during the foregoing matter and reported said proceedings stenographically.

I further certify that thereafter, I have caused said stenographic notes to be transcribed under my direction and that the foregoing pages are a true and accurate transcription to the best of my ability.

Dated this 25th day of August 2016.

/S/ Nancy L. Bauer

Nancy L. Bauer, CCR, RPR
Official Court Reporter